

PLANNING BOARD

CHAPTER 41

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**[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.*
Amendments noted where applicable.]**

General References

Other boards and commissions - See Ch. 3, Art. IV.

Site review - See Ch. 149.

Subdivision of land - See Ch. 155

Zoning - See Ch. 170.

***Editor's Note: Provisions of this chapter are derived from Ch. 20 of the former Code, adopted 12-14-77.**

PLANNING BOARD

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41-1. Establishment.

Pursuant to the provisions of the Revised Statutes Annotated, Chapter 36, there is hereby created the City Planning Board, with the powers and duties specified in Sections 1 and 15, inclusive of the aforesaid statute.

41-2. Powers and duties. [Amended 9-27-78 by Ord. No. 17-78; 1-13-88 by Ord. No. 35-87]

Pursuant to the provisions of RSA 674:43, the Planning Board is hereby empowered to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as any structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

41-3. Composition of Board. [Amended 1-24-79 by Ord. No. 1-79]

Said Board shall consist of nine (9) members, as follows: the Manager; one (1) of the administrative officials of the municipality, who shall be selected by the Manager; and a member of the City Council, all of the foregoing members to be members ex officio and six (6) persons who shall be appointed by the Council.

41-4. Advisory committees.

In order to facilitate and make more effective the work of the City Planning Board and to provide means whereby specialized studies of the various civic problems may be conducted, the following named committees are established as auxiliaries to the aforesaid City Planning Board:

- A. Advisory Committee on Natural Resources, Land Use and Population.
- B. Advisory Committee on Property Valuations and Taxation.
- C. Advisory Committee on Industry and Commerce.
- D. Advisory Committee on Agriculture and Forestry.
- E. Advisory Committee on Transportation, Power, Communications and Other Facilities.
- F. Advisory Committee on Public Health, Education and Recreation.
- G. Advisory Committee on Community Property, Equipment and Services.

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41-5. Membership of advisory committees. [Amended 9-26-79 by Ord. No. 23-79]

Each of the advisory committees authorized by 41-4 hereof shall consist of not more than nine (9) members, one (1) of whom shall be a member (other than ex officio) of the Planning Board. All members shall be appointed by the Chairperson of the Planning Board, with the advice and majority consent of said Board. All members of such advisory committees shall serve as such without compensation for such term and under such other conditions as said Planning Board shall determine and shall hold no other municipal office.

41-6. Approval and recording of plats.

The City Planning Board is hereby authorized and empowered to approve or disapprove plats showing new streets, or the widening thereof, or parks. The City Clerk shall forthwith file with the Register of Deeds of Strafford County a certificate showing that the Planning Board has been so authorized, setting forth the date of such authorization.

41-7. Recording of streets and parks on Official Map.

No plat of a subdivision of land showing a new street, or a widening or narrowing thereof, or park shall hereafter be filed or recorded in the offices of the Register of Deeds, until it has been approved by the Planning Board, and such approval has been endorsed, in writing, on the plat. After such plan is approved and filed, the streets and parks thereon shall be and become a part of the Official Map of the municipality. The filing or recording of a plat without such approval shall be void.

41-8. Subdivision regulations.

Before exercising the powers hereby granted, the Planning Board shall adopt regulations governing the subdivisions of land within the municipality. All such regulations shall be published as provided by law, and, before adoption, a public hearing shall be held thereon. A copy of the regulations as adopted, signed by the Chairman of the Planning Board, shall be filed with the Register of Deeds. Such regulations may be amended, changed, altered, added to or rescinded whenever the Planning Board deems such action necessary or advisable, but only following a public hearing on the proposed amendment, change, alteration, addition or rescission, and a statement, signed by the Chairman of the Planning Board, indicating any variances thus authorized from such regulations as were previously filed, shall be transmitted to the Register of Deeds.

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41-9. Standards for subdivision approval.

Such regulations may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services or necessitate an excessive expenditure of public funds for the supply of such services. Such regulations may provide for the harmonious development of the municipality and its environs; for the proper arrangement and coordination of streets within the subdivision in relation to other existing or planned streets; for the proper arrangement and coordination of streets within the subdivision in relation to other existing or planned streets; for open spaces of adequate proportions and for suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and the access of fire-fighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system. The regulations of the Board may require in proper cases that plats, showing new streets or narrowing or widening thereof, submitted to it for approval shall show a park or parks suitably located for playground or other recreational purposes, they may require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreation uses and that it can be used for building purposes without danger to health; they may prescribe minimum widths, depths and areas of lots so as to avoid congestion of population and generally may include provisions which will tend to create conditions favorable to health, safety, convenience or prosperity.

41-10. Conditional approval of plats.

Such regulations of the Planning Board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer and other utility mains, piping, connections or other facilities shall be installed. The regulations or practices of the Planning Board may provide for the tentative approval of the plat before such improvements and installations have been constructed, but any such tentative approval shall not be entered on the plat. Such regulations may provide, in lieu of the completion of such work and installations previous to the final approval of a plat, for an assessment or other method whereby the municipality is put in an assured position to do said work and make said alterations at the cost of the owners of the property within the subdivision.

41-11. Plat submission procedure.

The Planning Board shall approve or disapprove a plat within thirty (30) days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and the certificate of the municipality, as to the date of submission of the plat for approval and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval herein required; provided, however, that the applicant for the Board's approval may waive this requirement and consent to the extension of such period. The City Clerk shall issue, in behalf of the

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municipality, the certificate of failure on the part of the Planning Board to take action as aforesaid. In case of disapproval of any plat submitted, the ground for such disapproval shall be adequately stated upon the records of the Planning Board. Any plat submitted to the Planning Board shall bear the name and address of the person to whom notice of a hearing shall be sent; and no plat shall be acted on by the Planning Board without affording a hearing thereon. Notice shall be sent to said address by registered mail, with return receipt requested, stating the time and place of such hearing, not less than five (5) days before the date fixed therefor.

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41-12. Separate acceptance of streets and open space.

Approval of a plat shall not be deemed to constitute or effect an acceptance by the municipality or the public of the dedication of any street or ground or open space shown upon the plat.

41-13. Street acceptance procedure.

The municipality shall not hereafter accept, lay out, open, improve, grade, pave or light any street or lay or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street, within any portion of the municipality unless such street shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the conferring of platting jurisdiction upon the Planning Board or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Board or with a street on a street plat made by and adopted by the Board. The City Council may, however, accept, locate and construct any street not shown on or not corresponding with an approved subdivision plat or an approved street plat, provided that the petition for the accepting, locating and construction of such street be first submitted to the Planning Board for its approval and if approved by the Board, be approved by a majority vote of the entire membership of the City Council or, if disapproved by the Planning Board, be approved by not less than two-thirds (2/3) of the entire membership of the City Council. A street approved in such a manner shall thereupon have the status of an approved street as fully as though it had been originally shown on the Official Map or on a subdivision plat approved by the Planning Board or had been originally platted by the Planning Board.

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41-14. Access to public streets.

No building shall hereafter be erected on any lot within any part of the municipality nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior hereto or unless such street corresponds in its location and lines with a street on a subdivision plat approved by the Planning Board or with a street on a street plat made by and adopted by the Planning Board or with a street located and accepted by the City Council, after submission to the Planning Board and, in case Planning Board's disapproval, by the favorable vote of two-thirds (2/3) of the entire membership of the City Council. Wherever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship or where the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed street, the applicant for such permit may appeal from the decision of the Building Inspector to the Board of Adjustment. In passing on such appeal, after a public hearing, the Board of Adjustment may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, where the issuance of the permit would not tend to increase the difficulty of carrying out the Master Plan.

41-15. Sale of land prior to approval; penalties.

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the Planning Board and recorded or filed in the office of the Register of Deeds shall forfeit and pay a penalty of one hundred dollars (\$100.) for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its solicitor or other official designated by its council may enjoin such transfer or sale or agreement and may recover said penalty by civil action.